

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
NW/S Wells Manor Avenue, 570' SW \* DEPUTY ZONING COMMISSIONER  
of the c/l of Windsor Mill Road (2001 Wells Manor Avenue) \* OF BALTIMORE COUNTY  
2nd Election District \* Case No. 91-265-SPH  
2nd Councilmanic District \*  
Robert H. Brauns,  
Petitioners \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the validation of a nonconforming use pursuant to Section 104 of the B.C.Z.R. for the continued use of a service garage, contractor's shop, contractor's equipment storage yard, and contractor's office, including the outdoor storage of materials and above and below ground storage of fuel used in connection with business activities conducted from the site, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, Robert H. Brauns, (Sr.) and Patricia L. Brauns, appeared, testified and were represented by Julius W. Lichter, Esquire. Also appearing on behalf of the Petition was Robert H. Brauns, Jr., Richard Franklin, Charles E. Sheehan, Abraham Shuman, David Caldwell, and Levenia Leo Connelly. There were no Protestants.

Testimony indicated that the subject property, known as 2001 Wells Manor Avenue, consists of 2.20 acres zoned D.R. 5.5 and is improved with a two-story frame office building, two garages and two sheds. As a result of a zoning violation complaint by a competitor, Petitioner was advised to file the instant Petition to establish the nonconforming use of the property. Petitioner first called Mr. Sheehan, an accountant, who testified that he first visited the property in 1943 when he did bookkeeping services for a Mr. Buzby who was then owner of the property. Mr. Sheehan indicated

that he came to the property once or twice a month for approximately two years. He testified that Mr. Buzby had his office there and used the property for trucking, hauling and storing equipment. The use included, but was not limited to, a tannery and saw mill operation run by Mr. Buzby. Mr. Sheehan testified that it was his belief, based on conversations and a review of the records with Mr. Buzby, that the subject property had been used for such activities since the late 1930s. He indicated that his next contact was in 1965 when he saw a newspaper ad for the property. At that time, Mr. Buzby sold the property to Mr. Sheehan. Mr. Sheehan testified that he bought the property with the intention of continuing its commercial use and thus, leased it for such uses. Evidence indicated that the State Department of Assessments and Taxation classified the property as "commercial" during Mr. Sheehan's ownership of same, as indicated by Petitioner's Exhibit 5A. Mr. Sheehan testified that he leased the subject property to a Mr. Ed Reid who subsequently purchased it in 1974.

Testimony presented by Mr. Robert H. Brauns, Sr. indicated that in 1965 he took residence at 2020 Wells Manor Avenue and began working part-time for Mr. Reid who operated Reid's Cleaning Service. Mr. Brauns testified that this business relocated to the subject property in about 1969. He further testified that this business involved heating, ventilation and air-conditioning (HVAC) maintenance which utilized trucks and vans that were stored and maintained on the subject property. Mr. Brauns also testified that the business activities included the indoor storage of equipment and supplies, the outside storage of materials and equipment, the use of the fuel pumps, the repair of company vehicles on the site, and the use of the two-story building for offices. Mr. Brauns indicated that

he purchased the business from Mr. Reid in about 1977 and purchased the subject property in 1979.

Mr. Robert H. Brauns, Jr., testified that he began operating a landscaping business from the subject property in 1985 and took over the HVAC business from his father in 1989. He testified that he has good relations with the neighboring residents and has never received any complaints about his business operations. Rev. David Caldwell and Mr. Abe Shuman, both of whom own property adjacent to the subject site, testified that they have no objections to the continued use of the present business activities and that the Brauns have been good neighbors.

Petitioners introduced a copy of a Petition for Reclassification filed in 1953 by Thomas Buzby requesting that the subject property be rezoned from the "A" (residential) zone to the "E" (commercial) zone and stated his reasons as follows: "to permit a continuation of my business which has been in existence for a long period of time. My business consists of (a) saw mill and machinery." Counsel argued that while the Petition was denied, it helps support the testimony presented by Petitioner's witnesses.

An affidavit submitted by Mr. James C. Warthen, Jr., who has resided at 2023 Wells Manor Avenue since 1954, indicated the subject property has been continuously used for the commercial activities described herein from 1954 to the present, as set forth in Petitioner's Exhibit 13C. An affidavit submitted by Mrs. Shirley Brown, who has resided at 2025 Wells Manor Avenue since 1958, also indicates that the subject property has been continuously used for the commercial activities described herein throughout her residency in the neighborhood, as set forth in Petitioner's Exhibit 13B. Mr. Warthen, Mrs. Brown, and Robin Connearney, via their

aforementioned affidavits, also indicated their support of the Petitioner's request and their lack of objection to the use of Wells Manor Avenue to access the subject property.

Pursuant to Sections 104 and 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) a nonconforming use, if found by the Zoning Commissioner to exist, may continue provided the use is not changed to another use or abandoned or discontinued for more than one (1) year. Petitioner has the burden of proving that the use was established prior to 1945 when the zoning regulations became law and/or existed as of right subsequently.

The Petitioner is seeking to validate the existing HVAC maintenance and landscaping businesses with associated activities. Petitioner argued the businesses involve service and repair activities, the indoor storage of supplies and equipment, the outside storage of materials and equipment, the storage and maintenance of trucks and vans utilized by the businesses, the storage of fuel, and the use of the two-story structure for offices, all similar to the 1940's use. The uncontradicted testimony and evidence indicates that the subject property has been continuously used as a contractor's storage yard and office since the 1940s. Section 101 of the B.C.Z.R. defines Contractor's Equipment Storage Yard as follows:

"The use of any space, whether inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage, or landscaping equipment and associated materials."

After due consideration of the testimony and evidence presented, it is clear that a nonconforming use exists. The Petitioner has agreed not to expand the use other than to enclose the stone garage. Petitioner further has voluntarily agreed to submit a landscape plan to the Deputy Director of the Office of Planning as requested.

PETITION FOR SPECIAL HEARING  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-265-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the validation of a non-conforming use pursuant to B.C.Z.R. Section 104 for the continued use of a service garage, contractor's equipment storage yard and contractor's office including the outdoor storage of materials and above and below ground storage of fuel used in connection with business activities conducted from the site.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Robert H. Brauns (Type or Print Name)
Signature	Signature
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	2001 Wells Manor Avenue Address Phone No.
Julius W. Lichter (Type or Print Name)	Woodlawn, Maryland 21207 City and State
Signature	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
305 West Chesapeake Avenue Address	Julius W. Lichter Name
Towson, Maryland 21204 City and State	305 W. Chesapeake Avenue Address
Attorney's Telephone No.: (301) 321-0600	Towson, MD 21204 (301) 321-0600 Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 5th day of DEC 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 166, County Office Building in Towson, Baltimore County, on the 19 day of FEB 1992, at 2 o'clock P.M.

Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING  
Date 2/2/92  
By [Signature]

(over)

200

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29th day of May, 1991 that the Petition for Special Hearing to approve the validation of a nonconforming use pursuant to Section 104 of the B.C.Z.R. for the continued use of a service garage, contractor's shop, contractor's equipment storage yard, and contractor's office, including the outdoor storage of materials and above and below ground storage of fuel used in connection with business activities conducted from the site, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- The service garage use is limited to the maintenance of trucks and equipment used in the operation of the permitted uses on the property. There shall be no body work performed on said vehicles on the subject property.
- The area of the nonconforming use granted herein shall not expand beyond that set forth on Petitioner's Exhibit 1. The open space area of the property depicted on Petitioner's Exhibit 6, Photographs 1 and 2, shall remain open and/or landscaped, and at no time shall be used for commercial and/or storage purposes of any nature. Within thirty (30) days of the date of this Order and/or prior to the issuance of any permits, whichever occurs first, Petitioner shall submit a revised site plan depicting a zoning use line as restricted herein.

ORDER RECEIVED FOR FILING  
Date 5/29/91  
By [Signature]

ANN:bjs

- Outside storage is limited to the area west of the two-story office building and wood and metal garages as depicted on Petitioner's Exhibit 1.
- The container and trailer shall be removed from the property within sixty (60) days of the date of this Order.
- The continued use of the fuel tanks is conditioned upon Petitioner submitting within ninety (90) days of the date of this Order, written documentation from all applicable County agencies evidencing said storage tanks are in compliance with all applicable laws and regulations. The fuel tanks shall at all times be stored and used in compliance with any and all applicable federal, state and county laws and regulations currently existing and/or hereinafter enacted. Petitioner understands his failure to comply with this restriction will result in Petitioner being required to remove same at his expense.
- Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.
- Within forty-five (45) days of the date of this Order Petitioner shall submit a landscaping plan for the project that has been approved by the Deputy Director of the Office of Planning. Said landscaping shall be implemented within ninety (90) days and shall be maintained at all times.
- When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN W. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

687-3553

May 22, 1991

Julius W. Lichter, Esquire  
305 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
NW/S Wells Manor Avenue, 570' SW of the c/l of Windsor Mill Road  
(2001 Wells Manor Avenue)  
2nd Election District - 2nd Councilmanic District  
Robert H. Brauns - Petitioner  
Case No. 91-265-SPH

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 687-3391.

Very truly yours,

ANN W. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

cc: People's Counsel

File

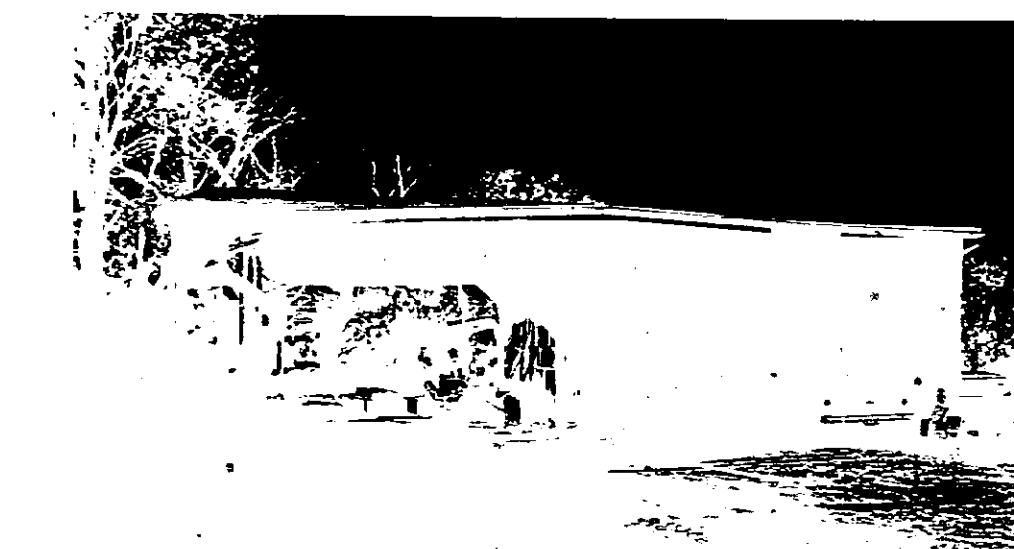
- 6 -

- 5 -

ORDER RECEIVED FOR FILING  
Date 5/29/91  
By [Signature]



PETITIONER(S) EXHIBIT 6

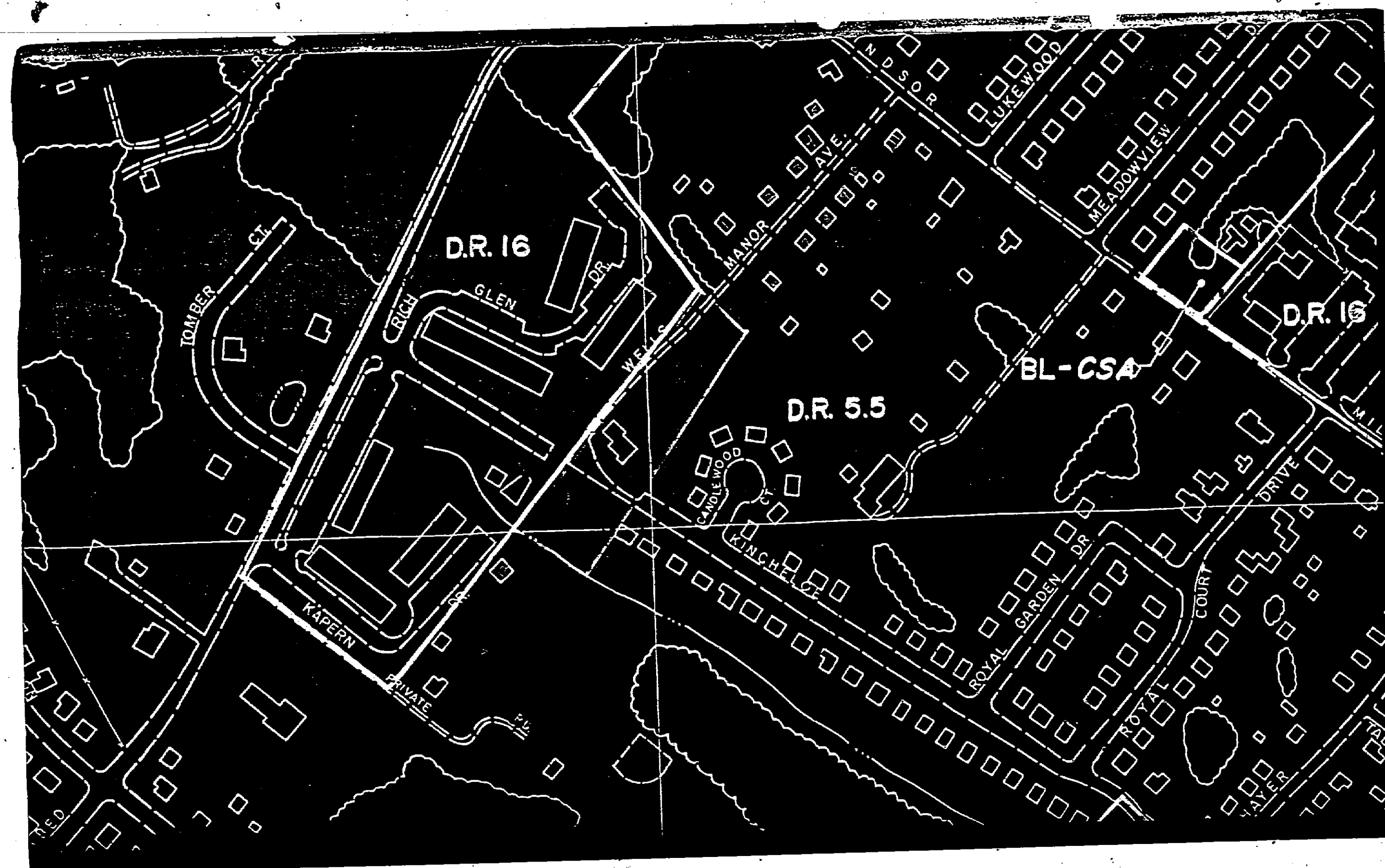


Petitioner's  
Exhibit 6  
Photographs  
1-13  
91-265-574

- HOMES ON WELLS MANOR AVENUE
- #1 Caldwell (2020)
  - #2 Mentzell (2022)
  - #3 Neisswender
  - #4
  - #5 Garage w/house on Windsor Mill Road
  - #6 Connearney (2017)
  - #7
  - #8 Warthen (2023)
  - #9 Brown (2025)
  - #10
  - #11 Nina White
  - #12 Shuman (1919)

PETITIONER'S  
EXHIBIT 12

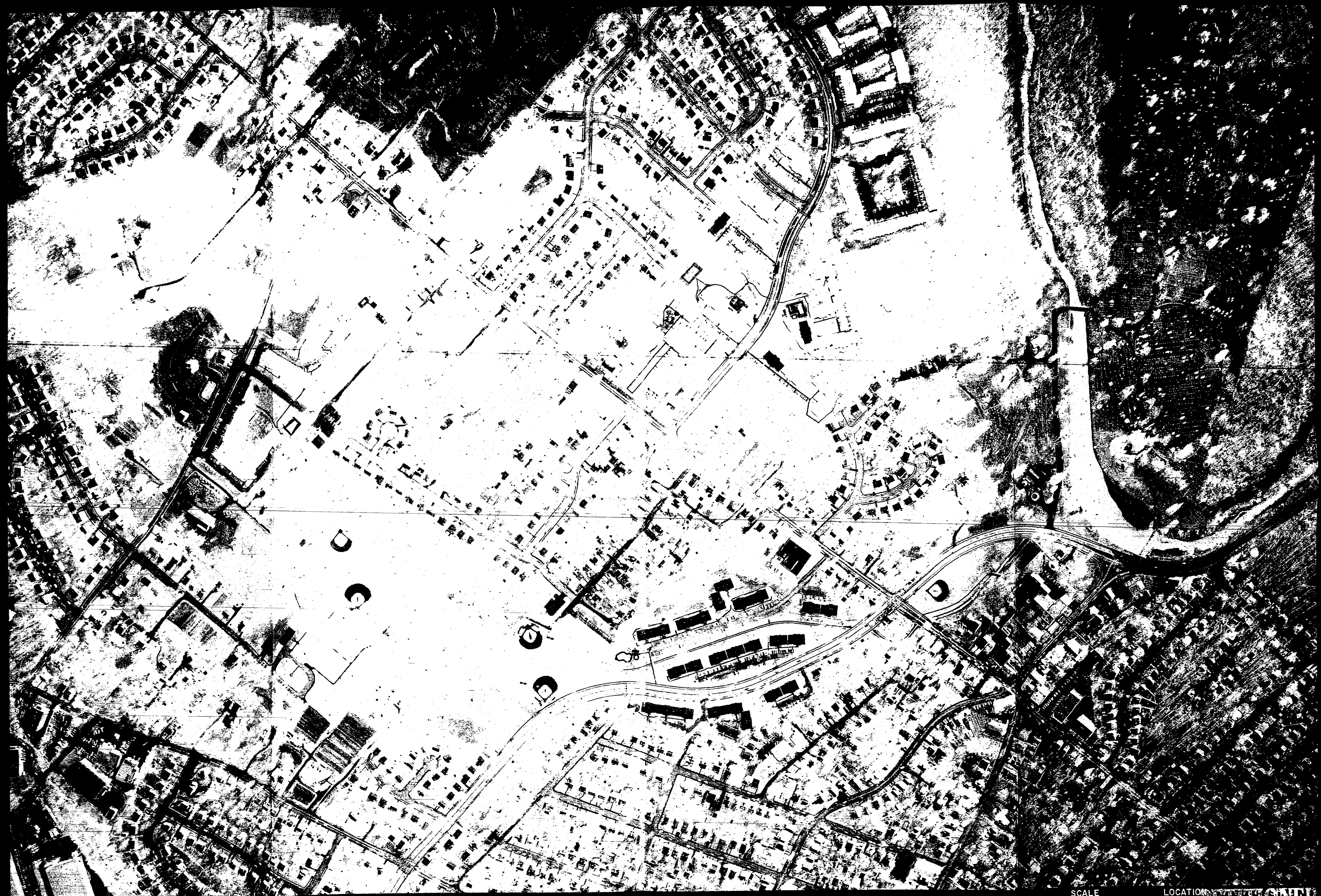
EXHIBIT 12











BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE  
1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
WOODLAKE  
**PETITIONER  
EXHIBIT**

EXHIBIT "A" 1

MON





BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits and Development Management

FROM: S. G. Samuel Moxley  
Councilman, First District *SM*

SUBJECT: LMC Landscaping - 2001 Wells Manor Avenue - Baltimore,  
Maryland 21207

DATE: March 21, 1997

Recently, we had a discussion in reference to a non-conforming use decision that was handed down under Case # 91-265-SPH on May 21, 1991 in reference to the above captioned property. Unfortunately, approximately one month ago the building had a massive fire and has burned to the ground. When the owner contacted the County in reference to building permits, they were told that a whole new hearing may be required. As you may recall, our discussions revolving around this related to the fact that a non-conforming use had been granted and the owner was just requesting to use the exact footprint in order to rebuild.

Unfortunately, as always, time is of the essence. The owner of this property runs a landscaping business and, as you can imagine, spring is a very busy time for them. Therefore, I would appreciate if you could please review the decision and other materials necessary and provide me with some insight as to whether or not this individual should be able to proceed with his rebuilding. The insurance company is anxious to assist and work with him to get this matter moving and, therefore, any prompt response we can provide him would be greatly appreciated.

As always, thank you for your cooperation.

SGM:pln  
Enclosure  
pc: Bob Brauns  
JABLON.MEM

*3/25 - Talked to Mr. Brauns - we can approve in accordance with Section 104.2 B.C.Z.R. - He will file good site plans as per 91-265-SPH - Carl R.*

*WCR 1186 3-25-97*

<i>BR</i>	<i>Brauns</i>
<i>944</i>	<i>5332</i>

*91-265-SPH*

he purchased the business from Mr. Reid in about 1977 and purchased the subject property in 1979.

Mr. Robert H. Brauns, Jr., testified that he began operating a landscaping business from the subject property in 1985 and took over the HVAC business from his father in 1989. He testified that he has good relations with the neighboring residents and has never received any complaints about his business operations. Rev. David Caldwell and Mr. Abe Shuman, both of whom own property adjacent to the subject site, testified that they have no objections to the continued use of the present business activities and that the Brauns have been good neighbors.

Petitioner's introduced a copy of a Petition for Reclassification filed in 1993 by Thomas Buzby requesting that the subject property be rezoned from the "R" (residential) zone to the "E" (commercial) zone and stated his reasons as follows: "to permit a continuation of my business which has been in existence for a long period of time. My business consists of (a) saw mill and machinery." Counsel argued that while the Petition was denied, it helps support the testimony presented by Petitioner's witnesses.

An affidavit submitted by Mr. James C. Warthen, Jr., who has resided at 2023 Wells Manor Avenue since 1954, indicated the subject property has been continuously used for the commercial activities described herein from 1954 to the present, as set forth in Petitioner's Exhibit 13C. An affidavit submitted by Mrs. Shirley Brown, who has resided at 2025 Wells Manor Avenue since 1958, also indicates that the subject property has been continuously used for the commercial activities described herein throughout her residency in the neighborhood, as set forth in Petitioner's Exhibit 13B. Mr. Warthen, Mrs. Brown, and Robin Connerney, via their

affidavits, also indicated their support of the Petitioner's request and their lack of objection to the use of Wells Manor Avenue to access the subject property.

Pursuant to Sections 104 and 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) a nonconforming use, if found by the Zoning Commissioner to exist, may continue provided the use is not changed to another use or abandoned or discontinued for more than one (1) year. Petitioner has the burden of proving that the use was established prior to 1945 when the zoning regulations became law and/or existed as of right subsequently.

The Petitioner is seeking to validate the existing HVAC maintenance and landscaping businesses with associated activities. Petitioner argued the businesses involve service and repair activities, the indoor storage of supplies and equipment, the outside storage of materials and equipment, the storage and maintenance of trucks and vans utilized by the businesses, the storage of fuel, and the use of the two-story structure for offices, all similar to the 1940's use. The uncontradicted testimony and evidence indicates that the subject property has been continuously used as a contractor's storage yard and office since the 1940s. Section 101 of the B.C.Z.R. defines Contractor's Equipment Storage Yard as follows:

"The use of any space, whether inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage, or landscaping equipment and associated materials."

After due consideration of the testimony and evidence presented, it is clear that a nonconforming use exists. The Petitioner has agreed not to expand the use other than to enclose the stone garage. Petitioner further has voluntarily agreed to submit a landscape plan to the Deputy Director of the Office of Planning as requested.

JAN-03-'98 TUE 05:36 ID: TEL NO: H014 P03

IN RE: PETITION FOR SPECIAL HEARING  
NM/S Wells Manor Avenue, 570' SW  
of the c/l of Windsor Hill Road  
(2001 Wells Manor Avenue)  
2nd Election District  
2nd Councilmanic District

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 91-265-SPH

Robert H. Brauns,  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the validation of a nonconforming use pursuant to Section 104 of the B.C.Z.R. for the continued use of a service garage, contractor's shop, contractor's equipment storage yard, and contractor's office, including the outdoor storage of materials and above and below ground storage of fuel used in connection with business activities conducted from the site, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, Robert H. Brauns, (Sr.) and Patricia L. Brauns, appeared, testified and were represented by Julius M. Lichter, Esquire. Also appearing on behalf of the Petition was Robert H. Brauns, Jr., Richard Franklin, Charles E. Sheehan, Abraham Shuman, David Caldwell, and Levenia Lee Connelly. There were no Protestants.

Testimony indicated that the subject property, known as 2001 Wells Manor Avenue, consists of 2.20 acres zoned D.R. 5.5 and is improved with a two-story frame office building, two garages and two sheds. As a result of a zoning violation complaint by a competitor, Petitioner was advised to file the instant Petition to establish the nonconforming use of the property. Petitioner first called Mr. Sheehan, an accountant, who testified that he first visited the property in 1949 when he did bookkeeping services for a Mr. Buzby who was then owner of the property. Mr. Sheehan indicated

JAN-03-'98 TUE 05:36 ID: TEL NO: H014 P04

that he came to the property once or twice a month for approximately two years. He testified that Mr. Buzby had his office there and used the property for trucking, hauling and storing equipment. The use included, but was not limited to, a tannery and saw mill operation run by Mr. Buzby. Mr. Sheehan testified that it was his belief, based on conversations and a review of the records with Mr. Buzby, that the subject property had been used for such activities since the late 1930s. He indicated that his next contact was in 1965 when he saw a newspaper ad for the property. At that time, Mr. Buzby sold the property to Mr. Sheehan. Mr. Sheehan testified that he bought the property with the intention of continuing its commercial use and thus, leased it for such use. Evidence indicated that the State Department of Assessments and Taxation classified the property as "commercial" during Mr. Sheehan's ownership of same, as indicated by Petitioner's Exhibit 5A. Mr. Sheehan testified that he leased the subject property to a Mr. Ed Reid who subsequently purchased it in 1974.

Testimony presented by Mr. Robert H. Brauns, Sr. indicated that in 1965 he took residence at 2020 Wells Manor Avenue and began working part-time for Mr. Reid who operated Reid's Cleaning Service. Mr. Brauns testified that this business relocated to the subject property in about 1969. He further testified that this business involved heating, ventilation and air-conditioning (HVAC) maintenance which utilized trucks and vans that were stored and maintained on the subject property. Mr. Brauns also testified that the business activities included the indoor storage of equipment and supplies, the outside storage of materials and equipment, the use of the fuel pumps, the repair of company vehicles on the site, and the use of the two-story building for offices. Mr. Brauns indicated that

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this *22nd* day of May, 1991 that the Petition for Special Hearing to approve the validation of a nonconforming use pursuant to Section 104 of the B.C.Z.R. for the continued use of a service garage, contractor's shop, contractor's equipment storage yard, and contractor's office, including the outdoor storage of materials and above and below ground storage of fuel used in connection with business activities conducted from the site, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The service garage use is limited to the maintenance of trucks and equipment used in the operation of the permitted uses on the property. There shall be no body work performed on said vehicles on the subject property.
- 3) The area of the nonconforming use granted herein shall not expand beyond that set forth on Petitioner's Exhibit 1. The open space area of the property depicted on Petitioner's Exhibit 6, Photographs 1 and 2, shall remain open and/or landscaped, and at no time shall be used for commercial and/or storage purposes of any nature. Within thirty (30) days of the date of this Order and/or prior to the issuance of any permits, whichever occurs first, Petitioner shall submit a revised site plan depicting a zoning use line as restricted herein.

*called J. WHITE 882-0521*

4) Outside storage is limited to the area west of the two-story office building and wood and metal garages as depicted on Petitioner's Exhibit 1.

5) The container and trailer shall be removed from the property within sixty (60) days of the date of this Order.

6) The continued use of the fuel tanks is conditioned upon Petitioner submitting within ninety (90) days of the date of this Order, written documentation from all applicable County agencies evidencing said storage tanks are in compliance with all applicable laws and regulations. The fuel tanks shall at all times be stored and used in compliance with any and all applicable federal, state and county laws and regulations currently existing and/or hereinafter enacted. Petitioner understands his failure to comply with this restriction will result in Petitioner being required to remove same at his expense.

7) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

8) Within forty-five (45) days of the date of this Order Petitioner shall submit a landscaping plan for the project that has been approved by the Deputy Director of the Office of Planning. Said landscaping shall be implemented within ninety (90) days and shall be maintained at all times.

9) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

*ANN M. NASTASIONICZ*  
Deputy Zoning Commissioner  
for Baltimore County

*Sketch to Avery Handin - 887-5335 first  
then to Jeff Long - 887-3211  
Dep. Director. to see*

*K. Tupper - 321-0100*



JPN-03--00 TUE 05:35 1D:

TEL NO:  
Zoning Commissioner  
Office of Planning and Zoning

HB14 P02

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

May 22, 1991

Julius W. Lichter, Esquire  
305 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
NW/3 Wells Manor Avenue, 570' SW of the c/l of Windsor Mill Road  
(200) Wells Manor Avenue;  
2nd Election District - 2nd Councilmanic District  
Robert H. Brauns - Petitioner  
Case No. 91-395-SPH

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*E. Halko*  
ANN H. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: People's Counsel

File

MAY 24 1991



County Council of Baltimore County

Court House, Towson, Maryland 21204  
(410) 887-3196  
Fax (410) 887-5791

Stephen G. Samuel Moxley  
First District

Kevin Kamenetz  
Second District

T. Bryan Melnick  
Third District

Douglas B. Riley  
Fourth District

Vincent J. Gardina  
Fifth District

Joseph Bartenfelder  
Sixth District

Louis L. DePazzo  
Seventh District

Thomas J. Peddicord, Jr.  
Eighth District  
LEGISLATIVE COUNSEL  
SECRETARY

FACSIMILE TRANSMISSION

DATE: 5/21/91 TIME: 4:00 P.M.

TO: *Donald Jackson*

FROM: *Sam Moxley*

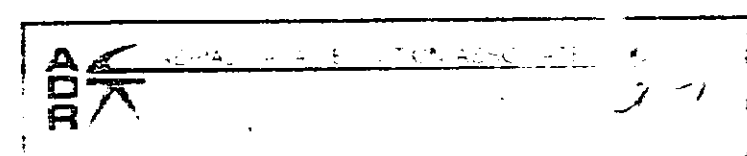
RE:

COMMENTS: *Last copy and follow*

THIS TRANSMISSION CONSISTS OF 9 PAGES INCLUDING THE COVER PAGE.  
IF THERE ARE ANY DISCREPANCIES OR PROBLEMS UPON RECEIPT, PLEASE CONTACT  
THE SENDER AT (410) 887-3196.



EXHIBIT "H"



PETITIONER'S  
EXHIBIT 10

EXHIBIT "H"

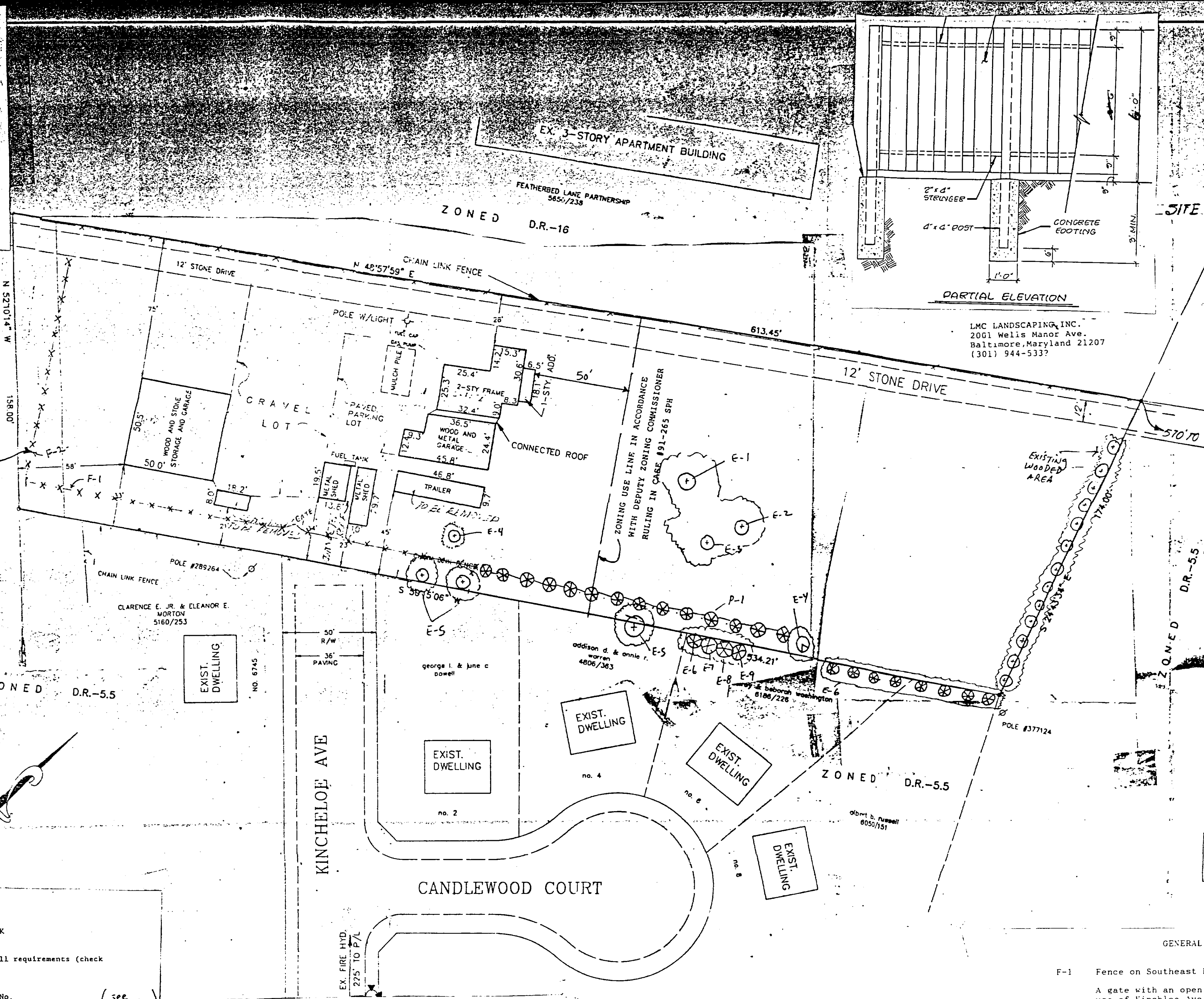
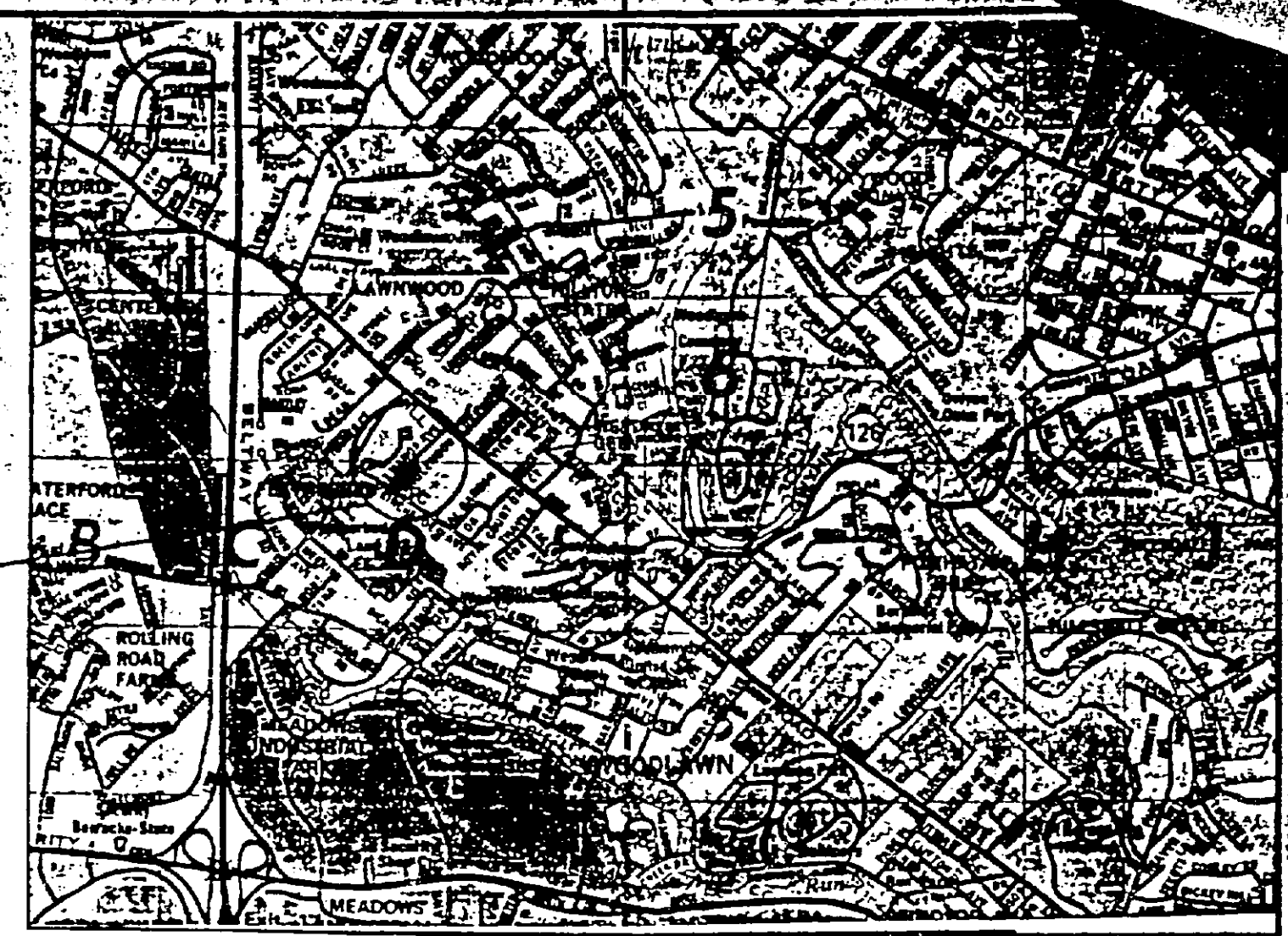
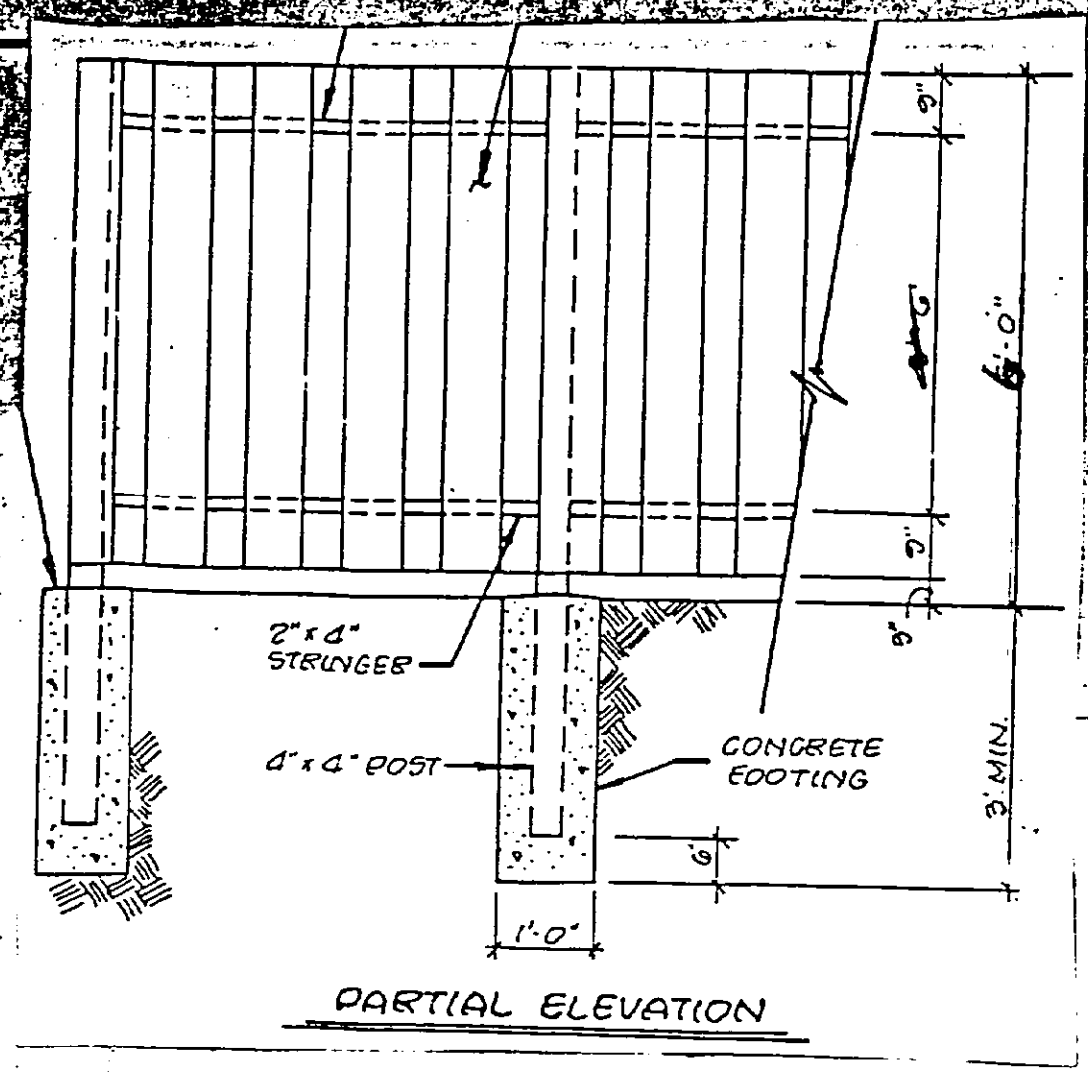
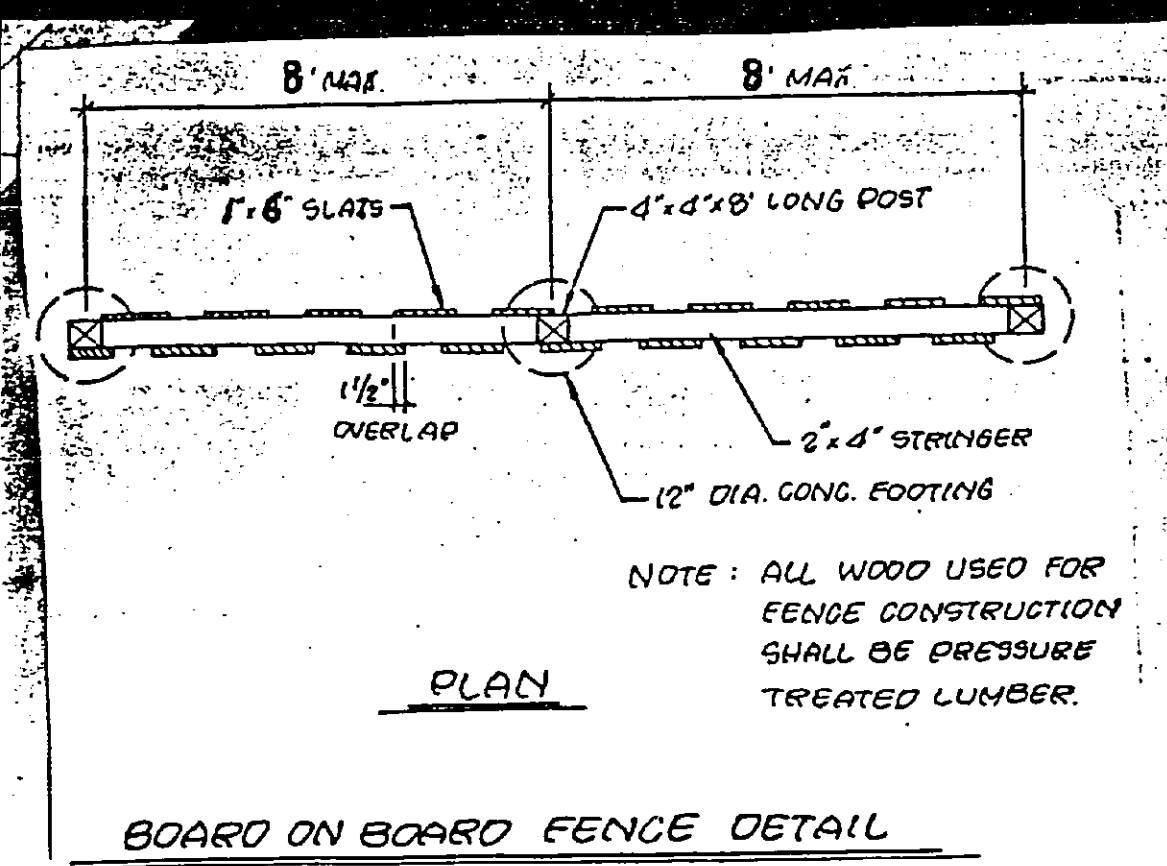


PETITIONER'S  
EXHIBIT









NO. 2024  
W. RICHARD & SHIRLEY W. KESWENDER  
5544/15  
EXIST. DWELLING

To: Baltimore County Office of Planning  
ATTN: Avery Harden

Dear Mr. Harden,  
I am sending you this letter on behalf of my wife and myself. We are the Shuman's and reside at 1919 Wells Manor in Woodlawn. Our property is on the other side of the stream that divides 2001 Wells Manor from us. We have been kept informed by Bob and Richard from "LMC" throughout the zoning complaint. It was recently brought to our attention that the county would like a 6 foot fence placed along the back of the "LMC" property. We have lived at 1919 for more than 23 years and have never had any complaints in the past. For this and several other reasons we would ask you not to have "LMC" put a fence across the rear of the property. Other reasons being this would decrease our visibility of the area as we leave or enter our property. Secondly, this decreased visibility could allow people to hide behind the fence and therefore pose a security problem. Thirdly, I have a very large tree which would be very expensive to remove, that is top heavy and leaning towards the proposed rear fence. This is an expense that I would be reluctant to incur.  
Our position is that we would not like to see a fence at the rear of the property. Please do not hesitate to call if you have any questions. Our home phone number is 944-8030.

Yours truly,  
Abraham Shuman  
Thelma Shuman

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
SIGNATURE AND CERTIFICATION BLOCK

1. I certify that this Final Landscape Plan meets all requirements (check where appropriate):

- ☐ - Baltimore County Landscape Manual
- ☐ - Office of Planning Zoning CRG or Waiver No. \_\_\_\_\_
- ☐ - Special Exception/Hearing/Variance No. Case # 91-265-SPH
- ☐ - Rezoning, Documented Site Plan No. \_\_\_\_\_

(see restriction Number 3)

N/A  
Landscape Architect's Signature \_\_\_\_\_ L.A.'s Name (please print) \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

2. "I certify that I have reviewed this Final Landscape Plan, that I am aware of the regulations presented in the Baltimore County Landscape Manual, and I agree to comply with these regulations and all applicable policy, guidelines and ordinances. I agree to implement this plan and certify to Baltimore County its implementation within one year of approval."

Owner's Signature \_\_\_\_\_ Date August 12, 1991 Robert H. Brauns Jr.  
2001 Wells Manor Ave. Baltimore Maryland 21207  
Address City State Zip

3. REVIEWED BY: \_\_\_\_\_

PLANT LIST EXISTING TREES

QTY.	SYMBOL	SCIENTIFIC NAME	COMMON NAME	HT.	SPAN
1	E-1	Acer Saccharinum	Silver Maple	70'	40'
1	E-2	Acer Saccharinum	Silver Maple	60'	35'
1	E-3	Frazinus Americana	White Ash	60'	30'
2	E-4	Morris Alba	Common Mulberry	20'	30'
3	E-5	Acer Saccharinum	Silver Maple	30'	25'
9	E-6	Picea Pungens	Colorado Blue Spruce	20'	15'
1	E-7	Pinus Strobus	White Natural Pine	18'	12'
1	E-8	Picea Abies	Norway Spruce	18'	12'
1	E-9	Picea Abies	Norway Spruce	10'	8'

PLANT LIST FOR NEW PLANTINGS

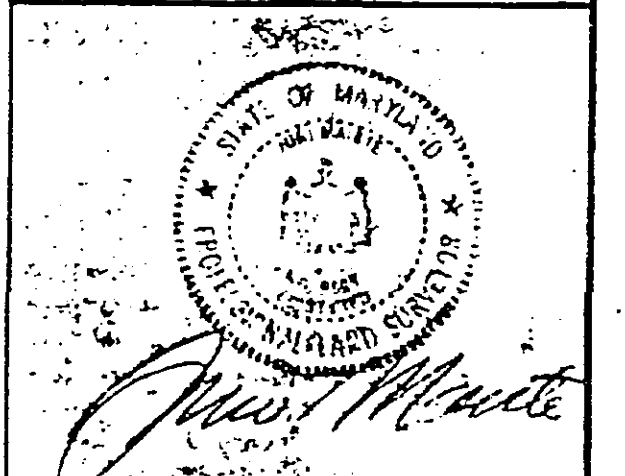
14	P-1	Pinus Strobus	White Natural Pine	5-6'
	F-1	Board on Board Fence		6'
	F-2	Board on Board Fence		6'

GENERAL NOTES FOR NEW PLANTINGS

- All nursery materials shall be nursery grown and shall conform to American Association of Nurseryman, Inc. standards.
- All planting procedures and specifications shall conform to "Landscape Specification Guidelines for Baltimore-Washington Metropolitan area" latest edition.

GENERAL NOTES REGARDING THE FENCE

- F-1 Fence on Southeast Portion: 247 linear feet  
A gate with an opening of 14 feet to allow for infrequent use of Kincheloe Ave. or if Wells Manor is blocked, provides temporary access.
- F-2 Fence on West Portion: 125 linear feet  
Much of this area is embedded with large oversized rocks that are common for this area in Woodlawn. Evidently in the past, portions of an asphalt pad and concrete foundation were removed from the north side of the wood and stone storage garage, and disposed of in this area. This has since been covered with an amount of soil. This area may be impossible to place posts for a fence. If this situation arises "LMC" will contact Mr. Avery Harden, immediately for inspection or alternate suggestions in order to comply.  
Please note letter from Mr. and Mrs. Shuman who reside at 1919 Wells Manor Avenue.
- Fence Construction:  
All fencing material will be CCA 40 pressure treated lumber only. Posts 4" x 4" stock. Stringers 2" x 4" stock 3 each per section. Board on board lumber 1" x 6" stock. All nails utilized will be galvanized.



MAISTE & WATTS, INC.  
SURVEYORS & ENGINEERS  
2923 CHENOA AVE. BALTIMORE MARYLAND 21234 (301) 882-0321

OWNER: ROBERT H. BRAUNS  
L-6070 F-166

PLAT TO ACCOMPANY PETITION FOR NON-CONFORMING USE  
**2001 WELLS MANOR AVE.**  
2-AD ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

SHEET 1 OF 1  
DATE 11/2/90  
SCALE 1"=30'  
JOB NUMBER 90-211



MAISTE & WATTS, INC.  
SURVEYORS and ENGINEERS  
2923 Cheseak Avenue  
Baltimore, Maryland 21234  
(410) 862-0321

October 10, 1990  
Revised 11/14/90

91-265-SPH

DESCRIPTION OF 2001 WELLS MANOR AVENUE  
TO ACCOMPANY ANY PETITION FOR ZONING  
VARIANCE FOR NON-CONFORMING USE,  
2ND ELECTION DISTRICT,  
BALTIMORE COUNTY, MARYLAND

Beginning for the same on the Northwest side of Wells Manor Avenue, at a point distant 570 feet, more or less, measured Southwesterly along the Northwest side of said Wells Manor Avenue from the centerline of Windsor Mill Road thence leaving said place of beginning and the Northwest side of said Avenue and running the 4 following courses and distances, viz:  
1) South 24 degrees 43 minutes 34 seconds East 174.00 feet,  
2) South 50 degrees 15 minutes 06 seconds West 534.21 feet and  
3) North 52 degrees 10 minutes 14 seconds West 158.00 feet, and  
4) North 48 degrees 57 minutes 59 seconds East 613.45 feet to the place of beginning.  
Containing 2.20 acres of land more or less.



John Maiste

200

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: \_\_\_\_\_ Date of Posting: \_\_\_\_\_  
Posted for: \_\_\_\_\_  
Petitioner: \_\_\_\_\_  
Location of property: \_\_\_\_\_  
Location of Sign: \_\_\_\_\_  
Remarks: \_\_\_\_\_  
Posted by: \_\_\_\_\_ Signature: \_\_\_\_\_ Date of return: \_\_\_\_\_  
Number of Signs: \_\_\_\_\_

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Case Number: 91-265-SPH  
NW 1/2 Wells Manor Avenue,  
570' SW 1/4 of c/l Windsor Mill Road  
2001 Wells Manor Avenue  
2nd Election District  
Petitioner(s): Robert H. Brauns  
Hearing Date: Tuesday,  
Feb. 19, 1991 at 2:00 p.m.  
Special Hearing: To approve the validation of a nonconforming use for the continued use of a garage, contractor's shop, contractor's equipment storage area and contractor's office including the outdoor storage of materials and above and below ground storage of fuel used in connection with business activities conducted from the site.  
J. ROBERT HAINES  
Zoning Commissioner  
Baltimore County  
1222 Jan. 17.

CERTIFICATE OF PUBLICATION  
TOWSON, MD. 1-18-91  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1-17-91

THE JEFFERSONIAN,  
S. Zerk Oliver  
Publisher

\$ 42.21

CERTIFICATE OF PUBLICATION  
Pikesville, Md., 1-18-91  
THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 17th day of 1991  
the first publication appearing on the 17th day of 1991  
the second publication appearing on the 18th day of 1991  
the third publication appearing on the 19th day of 1991

THE NORTHWEST STAR  
Manager: \_\_\_\_\_  
Cost of Advertisement: \$24-

EST STAR REAL ESTATE

**FOR RENT**  
**PIKESVILLE**  
1,800 SQ. FT.  
Highly visible retail space, located on busy Reisterstown Rd. near 58th Ave. & Millford Mill Metro Station. Attractive storefront off-street parking. Shown by appl.  
**David Hale**  
486-1234  
GORN PROPERTIES, INC.  
Brokers/Producers

**LEGAL NOTICE**  
BALTIMORE COUNTY GOVERNMENT  
ZONING COMMISSIONER  
OFFICE OF PLANNING AND ZONING  
TOWSON, MARYLAND 21204  
NOTICE OF HEARING  
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J. ROBERT HAINES  
Zoning Commissioner  
Baltimore County  
1222 Jan. 17.

**REAL ESTATE**  
**PARK HEIGHTS AVENUE**  
Newly Renovated  
Bancroft Court & Knightsbridge Apartments  
Conveniently located  
Leasing Office Located at 5906 Park Heights Ave.  
**CALL 542-8339**

**BUSINESS OPPORTUNITY**  
**DYNAMIC SALES MANAGER**  
Strong, stable, mature and innovative. Can create top producers. Bottom line, win-win door. 30 years experience in real estate, investments, finance, appraising, construction, business management, recruiting, training, sales and management. Base salary or draw.  
**528-9049 or 528-8016**

**BUSINESS OPPORTUNITY**  
**WANTS TO BUY**  
Experienced business manager seeks to lease or purchase established cash flow business with owner financing.  
**528-9049 or 528-8016**

**TRAVEL**  
PARAMOUNT HOTEL (Catskill)- June 29-July 2, 1991. 3200 p. per occup. Price includes everything. Info. & reservations, 363-6969.  
FLORIDA- Ft. Lauderdale, Miami & Palm Beach. Country Club Hotel. March 14-20, 1991. Also includes travel, meals & much more.

**AUTOMOTIVE**  
WE BUY most junk cars and trucks.  
876-7224.  
GOVT SEIZED VEHICLES from \$100. Corvettes, Chevrolets, Porsches, and other confiscated properties. For Buyers Guide, 1-800-773-2212, ext. 1329. Also open evenings & weekends.

receipt

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Doc. No. 9101-4150  
Number: 91-265

Date: \_\_\_\_\_

Please make checks payable to Baltimore County

Cashier Validation

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

DATE: 1/29/91

Robert H. Brauns  
2001 Wells Manor Avenue  
Woodlawn, Maryland 21207

RE:  
Case Number: 91-265-SPH  
NW 1/2 Wells Manor Avenue, 570' SW 1/4 of c/l Windsor Mill Road  
2001 Wells Manor Avenue  
2nd Election District - 2nd Councilmanic  
Petitioner(s): Robert H. Brauns  
HEARING: TUESDAY, FEBRUARY 19, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$91.21 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland Fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines  
Zoning Commissioner  
BALTIMORE COUNTY, MARYLAND

cc: Julius W. Lichter, Esq.

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

January 8, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-265-SPH  
NW 1/2 Wells Manor Avenue, 570' SW 1/4 of c/l Windsor Mill Road  
2001 Wells Manor Avenue  
2nd Election District - 2nd Councilmanic  
Petitioner(s): Robert H. Brauns  
HEARING: TUESDAY, FEBRUARY 19, 1991 at 2:00 p.m.

Special Hearing to approve the validation of a nonconforming use for the continued use of a service garage, contractor's shop, contractor's equipment storage yard and contractor's office including the outdoor storage of materials and above and below ground storage of fuel used in connection with business activities conducted from the site

J. Robert Haines  
Zoning Commissioner of  
Baltimore County

cc: Robert H. Brauns  
Julius W. Lichter, Esq.  
Tom Sullivan  
Howard Alderman, Esq.

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 887-3353

January 8, 1991

Julius Lichter, Esquire  
305 W. Chesapeake Avenue  
Towson, MD 21204

RE: Item No. 206, Case No. 91-265-SPH  
Petitioner: Robert H. Brauns  
Petition for Special Hearing

Dear Mr. Lichter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Robert H. Brauns  
2001 Wells Manor Avenue  
Woodlawn, MD 21207



Your petition has been received and accepted for filing this  
5th day of December, 1990.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James S. P.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Robert H. Brauns

Petitioner's Attorney: Julius W. Lichter

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: December 18, 1990  
Zoning Commissioner

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Robert H. Brauns, Item No. 206

The petitioner requests a Special Hearing to determine a non-conforming use for a service garage, contractor's shop, equipment storage yard, contractor's yard including the outdoor storage of materials and above and below ground storage of fuel used in connection with business activities conducted from the site.

In reference to the applicant's request, staff offers the following comments:

- Access to the site is currently provided by way of Wells Manor Avenue, which is located 570 ft. from Windsor Mill Road. Wells Manor Avenue is a very narrow residential street. Staff questions the safety of heavy equipment negotiating the intersection of Wells Manor Avenue and Windsor Mill Road.
- The front portion of the applicant's site is unimproved and not screened. Most of the homes along Candlewood Court back up to the unimproved portion of the site. Homes along Kincheloe Avenue are not screened from the active portion of the property.
- The petitioner's parcel was subject to a zoning request during the 1988 Comprehensive Map Process (See Item No. 2-062). The owner requested the parcel's zoning be changed from D.R.5.5 to D.R.16 or B.L. The county council decided to retain the existing D.R.5.5 zoning.

Should the petitioner's request be granted, staff recommends the following:

- Prior to the issuance of any permit, the applicant shall file a landscape plan with the deputy director of the Office of Planning and Zoning.

Robert H. Brauns, Item No. 206  
Page 2  
December 18, 1990

Access to Wells Manor Avenue shall be eliminated. The Petitioner's plan should be amended along the north property line to indicate the existence of Kincheloe Avenue. This office recommends that access to the site be provided at this point, unless there is a plan to connect Kincheloe Avenue.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM206/ZAC1

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: January 31, 1991  
Zoning Commissioner

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Robert H. Brauns, Item No. 206

The petitioner's attorney, Julius W. Lichter, has indicated to this office that residents living close to the Brauns' property do not object to Wells Manor Avenue being used as an access to the subject property. If this position of the residents is substantiated at the time of the hearing, staff would modify its position regarding accessing Kincheloe Avenue, which was originally proposed in our comments of December 18, 1990.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM206.REV/ZAC1

2/5/91

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3354

November 28, 1990

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers, 187, 200, 203, 204, 206, 208, 210, 211, and 212.

Very truly yours,

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineer Associate II

NSF/lab

received  
12/13/90

Baltimore County  
Fire Department  
700 East Joppa Road, Suite 601  
Towson, Maryland 21204-5500  
(301) 887-4500

NOVEMBER 28, 1990

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: ROBERT H. BRAUNS

Location: #2001 WELLS MANOR AVENUE

Item No.: 206 Zoning Agenda: DECEMBER 4, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Pat Keller* Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/REK

received  
12/13/90

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE  
November 30, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 206  
PROPERTY OWNER: Robert H. Brauns

LOCATION: 2001 Wells Manor Avenue, 570' SW of  
Candlewood Windsor Mill Rd. (2101 Wells Manor Ave.)  
ELECTION DISTRICT: 2nd  
COUNCILMANIC DISTRICT: 2nd

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- (1) PROPOSED SITE PLAN DOES NOT COMPLY TO STATE CODE OF MARILAND REGULATION 08.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- (2) PARKING LOCATION (1) RAMPS (degree slope)
- (3) NUMBER PARKING SPACES (1) CURB CUTS
- (4) BUILDING ACCESS (1) STORAGE

(5) PLAN DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 9 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(6) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 101.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

(7) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 101.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

(8) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.2 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(X) OTHER - If previous permits have not been required for change of occupancy and/or construction of structures shown on the site plan than such permits shall be applied for & the structures made code complying. Disregard if structures & use were in place prior to 1988 (SEE ARTICLE 101.2 PERMITS MAY BE APPLIED FOR & ROOM 101, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

continued: APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88. to the 1975 Building Code, or, if tax records reflect a commercial use of the property.

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: November 27, 1990

FROM: Robert W. Hughes, P.E.

RE: Zoning Advisory Committee Meeting  
for 12/4/90

The item 206 Zoning Item has been reviewed by the Planning and Zoning Department for Item 206, 208, 210, 211, and 212.

The item 206 Zoning Item has been reviewed by the Planning and Zoning Department for Item 206, 208, 210, 211, and 212.

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The item 206 Zoning Item has been reviewed by the Planning and Zoning Department for Item 206, 208, 210, 211, and 212.



91-265-SPH

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer  
Zoning Supervisor

DATE: November 21, 1990

FROM: James H. Thompson  
Zoning Enforcement Coordinator

RE: Item No. 206 (if known)  
Petitioner: Brauns (if known)

VIOLATION CASE # C-90-2700

LOCATION OF VIOLATION 2001 Wells Manor Avenue

DEFENDANT Robert H. Brauns, Sr. and Patricia L. Brauns

ADDRESS 2020 Wells Manor Avenue Baltimore, MD 21207

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME	ADDRESS
Tom Sullivan, President	P.G.M.S. 104 Springside Drive Timonium, MD 21093
Howard Alderman, Jr., Esquire	Levin & Gann 305 W. Chesapeake Avenue Towson, MD 21204

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

eeh/

BALTIMORE COUNTY, MARYLAND  
Inter-office Correspondence

TO: Jun Fernando  
Zoning Office

DATE: August 14, 1991

FROM: J. Robert Haines  
Zoning Commissioner

SUBJECT: Case No. 91-265-SPH

Please include the new plan in the file and add to the list for microfilming.

JRH:mmn

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

August 14, 1991

Kathryn A. Turner  
Attorney at Law  
Levin and Gann  
305 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Robert H. Brauns, et ux, Petitioners  
Case No. 91-265-SPH

Dear Ms. Turner:

Receipt of your letter and plan dated August 13, 1991 regarding the above captioned matter is hereby acknowledged. Please be advised that the plan you mailed to me has been accepted and made part of the file.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner

JRH:mmn

LMC LANDSCAPING, INC.  
P.O. Box 26583  
Baltimore, MD 21207  
(301) 944-5332

- Final Landscape Plan
- 2001 Wells Manor Ave.
- 1-6070 F-166
- 2nd Election District - Baltimore County, MD
- n/a
- n/a
- n/a
- Zoning Case #91-265-SPH
- 1" = 30'
- August 12, 1991
- Yes
- 1" = 2000'
- Property is flat. Utilities (poles), structures and paving are noted on drawings.
- Fencing and pine trees are to be added.
- Existing trees as noted. No planting credits taken.
- Fencing is located per initial discussion with Mr. Harden. Pines are located at 12 foot intervals as per Mr. Harden. Total linear feet to be covered by row of pines is 168.
- Yes
- Yes
- n/a - Screening only
- Yes
- Yes
- n/a
- Yes
- n/a
- Robert H. Brauns / Richard W. Franklin
- LMC Landscaping Inc.
- P.O. Box 26583
- Baltimore, MD 21207
- (301) 944-5332
- I certify that I have reviewed this Final Landscape Plan, that I am aware of the landscape regulations presented in the Baltimore County Landscape Manual, latest edition, and I agree to comply with these regulations and all applicable policy guidelines and ordinances.

Robert H. Brauns Jr.

Richard W. Franklin Jr.

BALTIMORE OFFICE  
MERCANTILE BANK & TRUST BUILDING  
2 HOPKINS PLAZA  
8TH FLOOR  
BALTIMORE, MARYLAND 21201  
301-638-3700  
TELECOPIER 301-625-9050

LAW OFFICES  
LEVIN & GANN  
A PROFESSIONAL ASSOCIATION  
305 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
301-321-0600  
TELECOPIER 301-296-2801

ELLIS LEVIN (1963-1960)  
CARROLL COUNTY OFFICE  
1137 LIBERTY ROAD  
STRESVILLE, MD 21784

KATHRYN A. TURNER

August 13, 1991

J. Robert Haines, Zoning Commissioner  
Baltimore County  
111 West Chesapeake Avenue  
Towson, MD 21204

RE: Brauns  
Case No. 91-265-SPH

Dear Commissioner Haines:

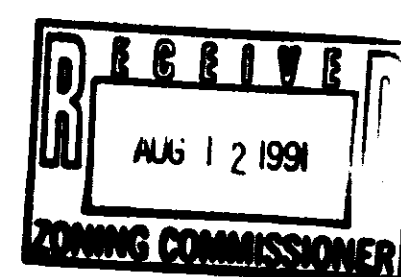
Pursuant to former Deputy Zoning Commissioner Ann Mastarowicz's order in the above referenced case, attached please find a revised site plan depicting a zoning use line as so required by condition number 3. Due to Ms. Mastarowicz's departure from county government, I met with you to determine the location of said zoning use line. We agreed that the line should be drawn 50 feet from the 2-story building ("office") as shown on the attached plan.

Please call me if you have any questions.

Sincerely,

Kathryn A. Turner

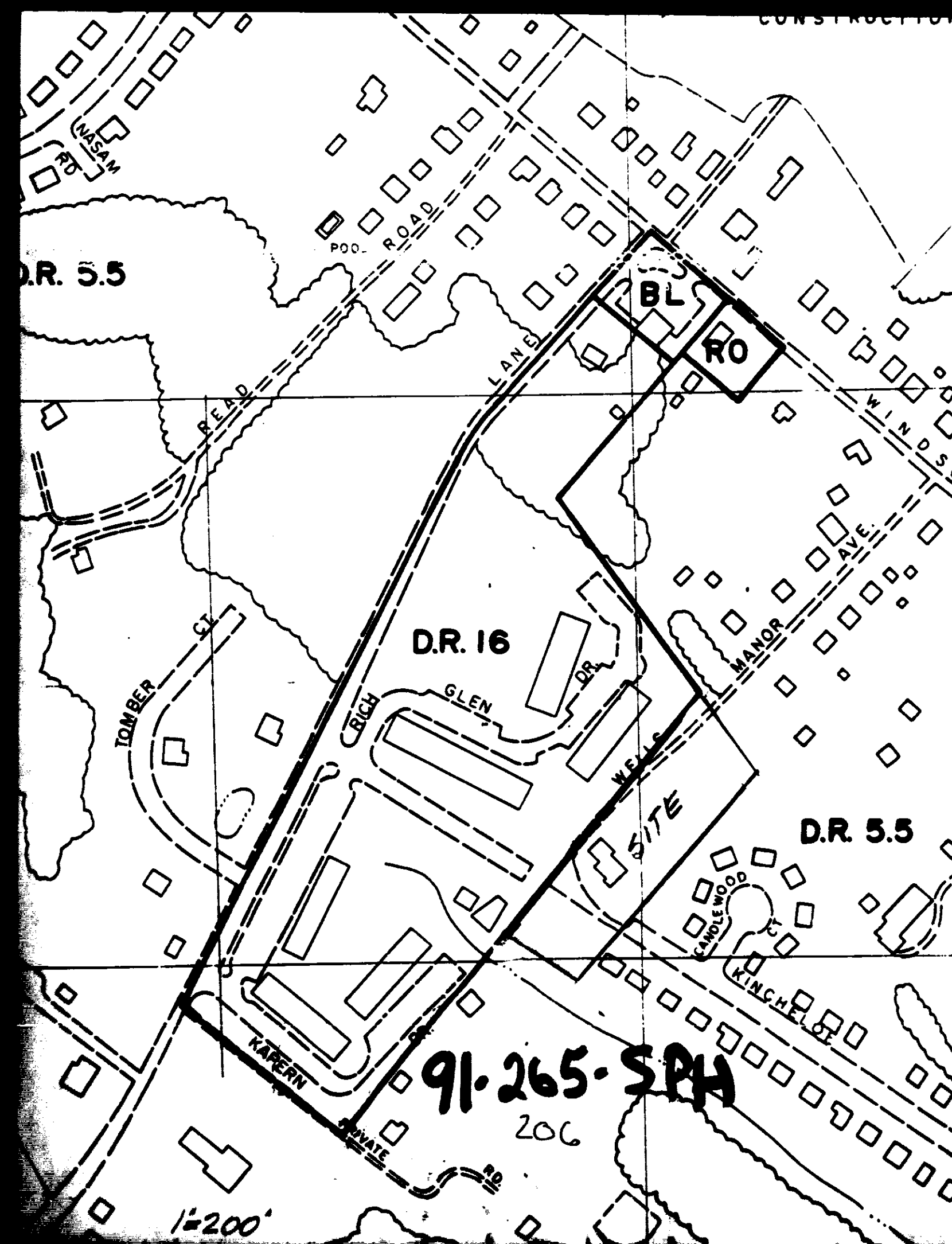
KAT/dgh



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Richard Franklin	3394 Jeffrey Ave South Guilford
Robert Brauns Jr.	247 E. Madison Ave. 21208
Robert H. Brauns, Sr.	1516 Brook Rd 21208
CHARLES E. SHILLING	1001 E. NEWESIDE AVE 21228
ABRAHAM SHIMMAN	1919 WELLS MANOR AVE 21207
David Caldwell	2020 Wells Manor 21207
Patricia L. Brauns	1316 Birch Rd 21207
Reverend (Rev) Connolly	6721 Valley Creek Dr - 21207



PETITIONER(S) EXHIBIT (3)



34.  
Building #1



38  
Building #8



EXIST. DWELLING

ZONED D.R.-5.5

ZONED D.R.-5.5

EX. 3-STORY APARTMENT BUILDING

FEATHERBED LANE PARTNERSHIP  
9650/238

ZONED D.R.-16

CHAIN LINK FENCE

POLE W/LIGHT

MULCH PILE

GRAVEL LOT

PAVED PARKING LOT

FUEL TANK

CHAIN LINK FENCE

EXIST. DWELLING

EXIST. DWELLING

EXIST. DWELLING

EXIST. DWELLING

EXIST. DWELLING

EXIST. DWELLING

EXIST. DWELLING

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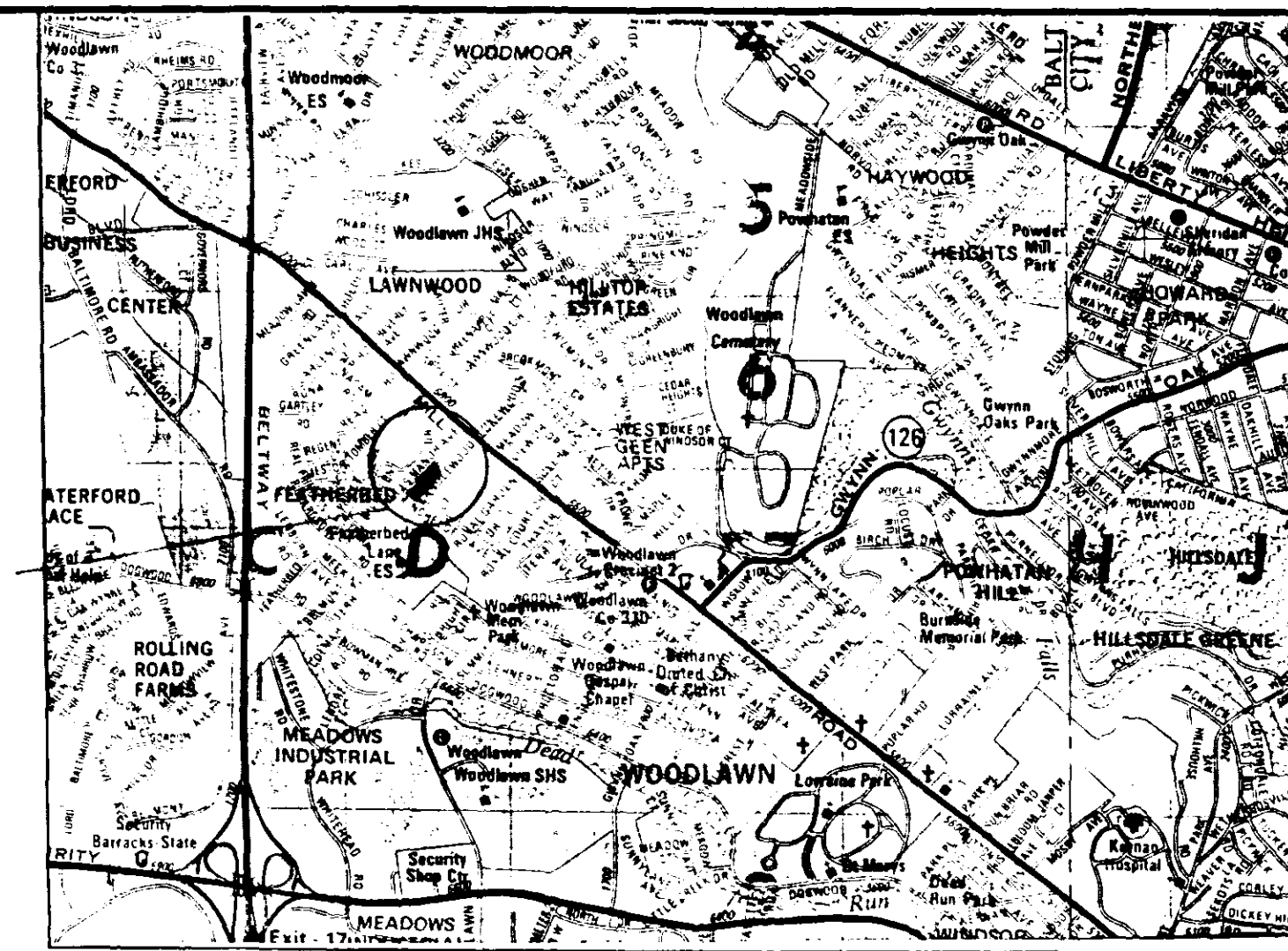
EXIST. DWELLING

EXIST. DWELLING

EXIST. DWELLING

EXIST. DWELLING

EXIST. DWELLING



LOCATION MAP  
SCALE: 1"=2000'

WELLS MANOR AVE.

NO. 2024  
W. RICHARD & SHIRLEY W. NEISWENDER  
5544/765

EXIST. DWELLING

EXIST. DWELLING

NOTES:

1. ZONED: D.R.-5.5
2. AREA: 2.20 AC.
3. EXISTING USE: CONTRACTORS EQUIPMENT STORAGE YARD
4. PROPOSED USE: CONTRACTORS EQUIPMENT STORAGE YARD
5. PROPOSED ZONING: D.R.-5.5 WITH NON-CONFORMING USE FOR LANDSCAPING OPERATION AND CONTRACTORS EQUIPMENT STORAGE YARD AS GOVERNED BY SECTION 104 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
6. PUBLIC UTILITIES EXIST IN KINCHELOE AVE. AND WELLS MANOR AVE.
7. CASE #2765 REQUESTING A RECLASSIFICATION FROM THE "A" TO THE "E" ZONE DENIED PURSUANT TO AN ORDER DATED DEC.15, 1953.

PETITIONER'S  
EXHIBIT 1

91-265-SPH

206

*John J. Maiste*

DATE	REVISIONS

MAISTE & WATTS, INC.

SURVEYORS & ENGINEERS

2923 CHENOAK AVE. BALTIMORE MARYLAND 21234 (301) 882-0321

OWNER: ROBERT H. ERAU, JR.

L-6070 F-166

PLAT TO ACCOMPANY PETITION FOR NON-CONFORMING USE

2001 WELLS MANOR AVE.

2-ND ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

SHEET	DATE	JOB NUMBER
1	11/2/90	90-211
OF	SCALE	
1	1"=30'	



- Improvements at 2001 Wells Manor Avenue
- 2-Story frame building/office
  - wood and metal garage
  - trailer (to be removed)
  - metal shed
  - metal shed
  - fuel tank/pumps
  - container (to be removed)
  - wood and stone storage garage (to be enclosed)



THIS DEED, made this 29th day of August, 1990, by and between EDWARD REID, of the first part, Grantor, and ROBERT P. BRAUNS, Sr., of the second part, Grantee.

The actual consideration paid or to be paid is \$155,000.00.

Witnessed: that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey, and assign unto the said Grantee, his heirs, personal representatives and assigns, in fee simple, all that

situate in the Second Election District of Baltimore County, in the State of Maryland, and described as follows, that is to say:

BEING for the same at the beginning of the sixth or south 50 degrees 05 minutes 30 seconds west 740.98 foot line of the land which by Deed dated March 7, 1933, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2267 folio 170, was conveyed by Boris E. Gaffney, unmarried, to Thomas F. Busby and Helen M. Busby, his wife, thence leaving said place of beginning and running and binding reversely on part of the fifth or north 23 degrees 36 minutes west 348.98 foot line of the aforementioned deed, referring all courses to the True Meridian as established by The Baltimore County Metropolitan District, south 31 degrees 14 minutes 00 seconds east 174.0 feet, thence leaving the outline of the land referred to in said deed and running thence and binding on the land hereafter conveyed by Thomas F. Busby and Helen M. Busby, his wife, to Frank C. Sadler and Auguste H. Sadler, his wife, said point of intersection also being situated at the center of a 50 foot Flood Control Reservation, thence running and binding on a part of the fourth line of the last mentioned deed and along the center of said 50 foot Flood Control Reservation, north 58 degrees 40 minutes 40 seconds west 158.0 feet to the end of said fourth line and to intersect the sixth line of the first mentioned deed, thence running and binding reversely on said sixth line north 42 degrees 27 minutes 33 seconds east 613.43 feet to the place of beginning. Containing 2.2 acres of land, more or less. The improvements thereon being known as No. 2001 Wells Manor Avenue.

Subject, however, to the terms and conditions of an agreement for an easement from the Home Owners Loan Corporation to County Commissioners of Baltimore County, dated March 13, 1940 and recorded among the Land Records of Baltimore County in Liber C.P.B.Jr. No. 1095 folio 318.

Subject also to the Flood Control Area referred to in the description and subject to the easement right of way and the right to use and maintain a bridge as set forth in a deed from Thomas F. Busby and wife to Frank C. Sadler and wife, dated December 30, 1959 and recorded among the Land Records of Baltimore County in Liber E.L.B. No. 354 folio 55, which right of way leads from the Sadler property to Wells Manor Avenue.

BEING the same property which by Deed dated November 7, 1975 and recorded among the Land Records of Baltimore County in Liber E.L.B.Jr. No. 538 folio 93, was granted and conveyed by Sonia M. Reid to J. Edward Reid, conveying a one-half interest.

See also deed dated May 30, 1984 and recorded among the Land Records in Liber E.L.B.Jr. No. 544 folio 305, from Charles F. Shushner and wife to J. Edward Reid and Sonia M. Reid, this wife.

RECEIVED DEC 9 1972

NOTICE OF ASSESSMENT

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

OFFICE OF SUPERVISOR OF ASSESSMENTS FOR BALTIMORE COUNTY

COURT HOUSE - TOWSON, MARYLAND 21204

NO.	PROPERTY NUMBER	MAP	BLOCK	PARCEL	DEED REFERENCE	CARD NUMBER	DATE OF NOTICE	DATE OF ASSESSMENT
02	02 19 321000	82	13	45	4304	447	12/03/72	07/01/72

CURRENT ASSESSMENT

PROPOSED NEW ASSESSMENT

PROPERTY DESCRIPTION AND LOCATION

LT SES WELLS MANOR AV

2001 WELLS MANOR AV SFS COMMERCIAL

02-19-321000

SHEPHERD, ARLENE R

1002 INGLISIDE AV

BALTIMORE MD 21220

THIS IS NOT A TAX BILL

FOR PROTEST FILL REVERSE SIDE AND RETURN

RECEIVED DEC 9 1972

EXHIBIT 5.4

State Department of Assessments and Taxation

Baltimore County Office

Court House

Towson, Maryland 21204

EXHIBIT 5.3

NO. 38031

PROPERTY NUMBER

MAP

BLOCK

PARCEL

CARD NUMBER

DATE OF NOTICE

DATE OF ASSESSMENT

PROPERTY DESCRIPTION AND LOCATION

2.20 AC SES WELLS MANOR AVE

2001 WELLS MANOR AV COMMERCIAL

02-19-321000

BRUNGS, ROBERT M SR

P O BOX 7519

BALTIMORE, MD 21207

THIS IS NOT A TAX BILL

APPEAL COPY

RECEIVED DEC 9 1972

EXHIBIT 5.3

EXHIBIT 5.3

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES

TOWSON, MARYLAND 21204

LICENSING YEAR: AUGUST 1990 THROUGH JULY 1991

PERMIT NO. 002500

FACILITY NO. 1-14993

WASTEWATER DISCHARGE PERMIT

PERMISSION IS HEREBY GRANTED TO W.C. Cleaning Services, Inc.

FOR THE CONTRIBUTION OF INDUSTRIAL WASTEWATER INTO THE BALTIMORE COUNTY SEWER LINES AT 2001 Wells Manor Avenue

Baltimore, Maryland 21207

EFFECTIVE THIS 1st DAY OF August, 1990

APPROVED: [Signature]

EXHIBIT 5.3